

LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Prisoners.

Existing law generally regulates the conditions of incarceration.

This bill would require, for certain prisoners, that after a projected release date has been determined by the Department of Corrections and Rehabilitation, the time remaining for the imposed term of imprisonment be reduced by 20 months. The bill would establish a list of disqualifying offenses that would render inmates ineligible for the sentence reduction.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



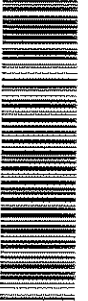
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RN 08 00112 PAGE 1

An act to add Section 2933.7 to the Penal Code, relating to prisoners,
and declaring the urgency thereof, to take effect immediately.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2933.7 is added to the Penal Code, to read:

2933.7. (a) (1) Except as provided in subdivision (b), for every person sentenced to state prison, after a projected release date has been determined by the Department of Corrections and Rehabilitation, the time remaining for the imposed term of imprisonment shall be reduced by 20 months.

(2) The department shall complete implementation of this policy within one year of the effective date of this section.

(b) Subdivision (a) shall not apply to any person who has committed a sustained in-prison offense that involves any conduct described in this subdivision, whether or not criminal prosecution was undertaken, or is serving a state prison sentence for, or who has been previously convicted of, or who has been convicted of any offense from another jurisdiction that would meet the elements of, the following:

- (1) A violation of Section 210.5.
- (2) A violation of Section 236.1.
- (3) A violation of subdivision (a) of Section 273a.
- (4) A violation of Section 273d.
- (5) A violation of Section 273.5.
- (6) Any offense requiring registration pursuant to Section 290, 290.001, 290.003, 290.004, 290.005, 290.006, or 290.008.
- (7) A violation of Section 350.
- (8) A violation of paragraph (1) of subdivision (b), or subdivision (c), or subdivision (f) of Section 368.



- (9) A violation of Section 460.
- (10) A violation of subdivision (b) or (c) of Section 646.9.
- (11) A violation of subdivision (b) or (c) of Section 653f.
- (12) Any offense specified in subdivision (c) of Section 667.5.
- (13) Any offense specified in subdivision (c) of Section 1192.7.
- (14) Any offense specified in Section 1192.8.
- (15) A violation of Section 4530.
- (16) A violation where the provisions of Section 11370.4 or 11379.8 of the Health and Safety Code, are found to be true.

- (17) A violation of Section 11413.
- (18) A violation of Section 11418.
- (19) A violation of Section 11418.5.
- (20) A violation of Section 11419.
- (21) A violation of Section 12220.
- (22) A violation of Section 12280.
- (23) A violation of Section 12303.1.
- (24) A violation of Section 12303.2.
- (25) A violation of Section 12303.6.
- (26) A violation of Section 12312.
- (27) A violation of Section 2800.3 of the Vehicle Code.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:



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In order to properly manage the prison population of the state, it is necessary for this act to take effect immediately.

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An act to amend Sections 3000, 3001, 3056, and 3060 of the Penal Code,
relating to parole, and declaring the urgency thereof, to take effect
immediately.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 3000 of the Penal Code is amended to read:

3000. (a) (1) The Legislature finds and declares that the period immediately following incarceration is critical to successful reintegration of the offender into society and to positive citizenship. It is in the interest of public safety for the state to provide for the supervision of and surveillance of parolees, including the judicious use of revocation actions, and to provide educational, vocational, family and personal counseling necessary to assist parolees in the transition between imprisonment and discharge. A sentence pursuant to Section 1168 or 1170 shall include a period of parole, unless waived, as provided in this section.

(2) The Legislature finds and declares that it is not the intent of this section to diminish resources allocated to the Department of Corrections and Rehabilitation for parole functions for which the department is responsible. It is also not the intent of this section to diminish the resources allocated to the Board of Parole Hearings to execute its duties with respect to parole functions for which the board is responsible.

(3) The Legislature finds and declares that diligent effort must be made to ensure that parolees are held accountable for their criminal behavior, including, but not limited to, the satisfaction of restitution fines and orders.

(4) The parole period of any person found to be a sexually violent predator shall be tolled until that person is found to no longer be a sexually violent predator, at which time the period of parole, or any remaining portion thereof, shall begin to run.

(b) Notwithstanding any provision to the contrary in Article 3 (commencing with Section 3040) of this chapter, the following shall apply:



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(1) At the expiration of a term of imprisonment of one year and one day, or a term of imprisonment imposed pursuant to Section 1170 or at the expiration of a term reduced pursuant to Section 2931 or 2933, if applicable, the inmate shall be released on parole for a period not exceeding three years, except that any inmate sentenced for an offense specified in paragraph (3), (4), (5), (6), (11), (16), or (18) of subdivision (c) of Section 667.5 shall be released on parole for a period not exceeding five years, unless in either case the parole authority for good cause waives parole and discharges the inmate from the custody of the department.

(2) In the case of any inmate sentenced under Section 1168, the period of parole shall not exceed five years in the case of an inmate imprisoned for any offense other than first or second degree murder for which the inmate has received a life sentence, and shall not exceed three years in the case of any other inmate, unless in either case the parole authority for good cause waives parole and discharges the inmate from custody of the department. This subdivision shall also be applicable to inmates who committed crimes prior to July 1, 1977, to the extent specified in Section 1170.2.

(3) Except as provided in paragraph (4), for any person sentenced to imprisonment in the state prison, at the expiration of the imposed term, the person shall be placed on summary parole within the custody of the Department of Corrections and Rehabilitation for a period not to exceed three years. Except as provided in paragraph (4), any parolee serving a period of parole shall be placed on summary parole within the custody of the Department of Corrections and Rehabilitation for the remainder of his or her parole period.

(4) Paragraph (3) shall not apply to the following:



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(A) Any person sentenced for an offense specified in subdivision (c) of Section 667.5, subdivision (c) of Section 1192.7, or Section 1192.8, or any person who has a prior conviction for any of those offenses, or who has a conviction from another jurisdiction that meets the elements of any of those offenses.

(B) Any person sentenced for a violation requiring registration pursuant to Section 290, 290.001, 290.003, 290.004, 290.005, 290.006, or 290.008.

(C) Any parolee incarcerated for a revocation of parole for any conduct that meets the elements of an offense described in subdivision (b) of Section 2933.7, or any inmate whose parole has been revoked within the previous 12 months for conduct described in subdivision (c) of Section 667.5, subdivision (c) of Section 1192.7, or Section 1192.8, whether or not criminal prosecution was undertaken.

(D) Any inmate or parolee who has committed a sustained in-prison offense specified in subdivision (c) of Section 667.5, subdivision (c) of Section 1192.7, or Section 1192.8, or which would require registration pursuant to Section 290, 290.001, 290.003, 290.004, 290.005, 290.006, or 290.008 whether or not criminal prosecution was undertaken.

(5) The department shall complete implementation of paragraph (3) within one year of the effective date of paragraph (3).

~~(3)~~

(6) Notwithstanding paragraphs (1) and (2), and (3), in the case of any offense for which the inmate has received a life sentence pursuant to Section 667.61 or 667.71, the period of parole shall be 10 years.

~~(4)~~



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(7) The parole authority shall consider the request of any inmate regarding the length of his or her parole and the conditions thereof.

~~(5)~~

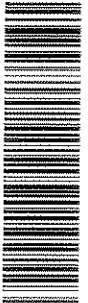
(8) Upon successful completion of parole, or at the end of the maximum statutory period of parole specified for the inmate under paragraph (1), (2), or ~~(3)~~ (6), as the case may be, whichever is earlier, the inmate shall be discharged from custody. The date of the maximum statutory period of parole under this subdivision and paragraphs (1), (2), and ~~(3)~~ (6) shall be computed from the date of initial parole and shall be a period chronologically determined. Time during which parole is suspended because the prisoner has absconded or has been returned to custody as a parole violator shall not be credited toward any period of parole unless the prisoner is found not guilty of the parole violation. However, the period of parole is subject to the following:

(A) Except as provided in Section 3064, in no case may a prisoner subject to three years on parole be retained under parole supervision or in custody for a period longer than four years from the date of his or her initial parole.

(B) Except as provided in Section 3064, in no case may a prisoner subject to five years on parole be retained under parole supervision or in custody for a period longer than seven years from the date of his or her initial parole.

(C) Except as provided in Section 3064, in no case may a prisoner subject to 10 years on parole be retained under parole supervision or in custody for a period longer than 15 years from the date of his or her initial parole.

~~(6)~~



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(9) The Department of Corrections and Rehabilitation shall meet with each inmate at least 30 days prior to his or her good time release date and shall provide, under guidelines specified by the parole authority, the conditions of parole and the length of parole up to the maximum period of time provided by law. The inmate has the right to reconsideration of the length of parole and conditions thereof by the parole authority. The Department of Corrections and Rehabilitation or the Board of Parole Hearings may impose as a condition of parole that a prisoner make payments on the prisoner's outstanding restitution fines or orders imposed pursuant to subdivision (a) or (c) of Section 13967 of the Government Code, as operative prior to September 28, 1994, or subdivision (b) or (f) of Section 1202.4.

~~(7)~~

(10) For purposes of this chapter, the Board of Parole Hearings shall be considered the parole authority.

~~(8)~~

(11) The sole authority to issue warrants for the return to actual custody of any state prisoner released on parole rests with the Board of Parole Hearings, except for any escaped state prisoner or any state prisoner released prior to his or her scheduled release date who should be returned to custody, and Section 3060 shall apply.

~~(9)~~

(12) It is the intent of the Legislature that efforts be made with respect to persons who are subject to Section 290.011 who are on parole to engage them in treatment.

(c) For purposes of this section, the term "summary parole" means the status of a person who continues to be under the jurisdiction of the Department of Corrections



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and Rehabilitation during the statutory parole period required by law, but is not subject to regular and active supervision by the department. Persons placed on summary parole shall be subject to drug testing at the request of any peace officer in the performance of his or her official duties. The provisions of Section 3067 shall continue to apply to persons placed on summary parole. The department is authorized to continue to provide services, as deemed necessary, to any person placed on summary parole.

SEC. 2. Section 3001 of the Penal Code is amended to read:

3001. (a) Notwithstanding any other provision of law, when any person referred to in paragraph (1) of subdivision (b) of Section 3000 who was not imprisoned for committing a violent felony, as defined in subdivision (c) of Section 667.5, or a person referred to in paragraph (3) of subdivision (b) of Section 3000, has been released on parole from the state prison, and has been on parole continuously for one year since release from confinement, within 30 days, that person shall be discharged from parole, unless the Department of Corrections and Rehabilitation recommends to the Board of ~~Prison Terms~~ Parole Hearings that the person be retained on parole and the board, for good cause, determines that the person will be retained. Notwithstanding any other provision of law, when any person referred to in paragraph (1) of subdivision (b) of Section 3000 who was imprisoned for committing a violent felony, as defined in subdivision (c) of Section 667.5, has been released on parole from the state prison for a period not exceeding three years and has been on parole continuously for two years since release from confinement, or has been released on parole from the state prison for a period not exceeding five years and has been on parole continuously for three years since release from confinement, the department shall discharge, within 30 days,



that person from parole, unless the department recommends to the board that the person be retained on parole and the board, for good cause, determines that the person will be retained. The board shall make a written record of its determination and the department shall transmit a copy thereof to the parolee.

(b) Notwithstanding any other provision of law, when any person referred to in paragraph (2) of subdivision (b) of Section 3000 has been released on parole from the state prison, and has been on parole continuously for three years since release from confinement, the board shall discharge, within 30 days, the person from parole, unless the board, for good cause, determines that the person will be retained on parole. The board shall make a written record of its determination and the department shall transmit a copy thereof to the parolee.

(c) Notwithstanding any other provision of law, when any person referred to in paragraph ~~(3)~~ (6) of subdivision (b) of Section 3000 has been released on parole from the state prison, and has been on parole continuously for six years since release from confinement, the board shall discharge, within 30 days, the person from parole, unless the board, for good cause, determines that the person will be retained on parole. The board shall make a written record of its determination and the department shall transmit a copy thereof to the parolee.

(d) In the event of a retention on parole, the parolee shall be entitled to a review by the parole authority each year thereafter until the maximum statutory period of parole has expired.

(e) The amendments to this section made during the 1987–88 Regular Session of the Legislature shall only be applied prospectively and shall not extend the parole



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period for any person whose eligibility for discharge from parole was fixed as of the effective date of those amendments.

SEC. 3. Section 3056 of the Penal Code is amended to read:

3056. ~~Prisoners~~ Except as provided in Section 3060, prisoners on parole shall remain under the legal custody of the department and shall be subject at any time to be taken back within the inclosure of the prison.

SEC. 4. Section 3060 of the Penal Code is amended to read:

3060. ~~The (a)~~ Except as provided in subdivision (b), the parole authority shall have full power to suspend or revoke any parole, and to order returned to prison any prisoner upon parole. The written order of the parole authority shall be a sufficient warrant for any peace or prison officer to return to actual custody any conditionally released or paroled prisoner.

(b) The parole authority may suspend or revoke a summary parole and order a parolee returned to prison only upon conviction of the parolee of a new offense.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to properly manage the parolee population of the state, it is necessary for this act to take effect immediately.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.

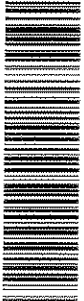
as introduced, _____.

General Subject: Parole.

Existing law, as amended by initiative statute, generally regulates the granting of parole. Existing law allows the Legislature to directly amend these provisions, subject to specified procedures and vote requirements.

This bill would establish, for certain prisoners and parolees, summary parole, as defined, wherein the person is under the jurisdiction of the Department of Corrections and Rehabilitation, but is not subject to regular and active supervision. The bill would establish a list of disqualifying offenses and conduct which would render inmates and parolees ineligible for summary parole. These changes would require approval by a $\frac{2}{3}$ vote of the Legislature.

Existing law, as amended by initiative statute, requires that certain parolees who have been released on parole from the state prison, and have been on parole continuously



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for one year since release from confinement, shall within 30 days, be discharged from parole, unless the Department of Corrections and Rehabilitation recommends to the Board of Parole Hearings that the person be retained on parole and the board, for good cause, determines that the person will be retained.

This bill would include persons on summary parole within those provisions. This change would require approval by a $\frac{2}{3}$ vote of the Legislature.

Existing law provides that persons on parole shall remain under the legal custody of the Department of Corrections and Rehabilitation, and shall be subject at any time to be taken back within the inclosure of the prison, and further provides that the parole authority shall have full power to suspend or revoke any parole, and to order returned to prison any prisoner upon parole.

This bill would provide that the parole authority may suspend or revoke a summary parole and order a parolee returned to prison only upon conviction of the parolee of a new offense.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Custody by the Department of Corrections and Rehabilitation:
incarceration and parole.

Existing law generally regulates the conditions of incarceration in the state prisons and the conditions of parole.

This bill would state findings and declarations of the Legislature in connection with inmate and parolee population reduction policies, and would appropriate up to \$15,575,000 for the purposes of implementation of those policies by the Department of Corrections and Rehabilitation.

This bill would declare that it is to take effect immediately as an urgency statute.

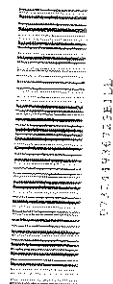
Vote: 2/3. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.



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An act relating to custody of persons by the Department of Corrections and Rehabilitation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.



THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares that the inmate and parolee population reduction policies enacted in the third extraordinary session of 2007–08 are expected to result in programmatic savings for the Department of Corrections and Rehabilitation beyond those identified in the amendments to the 2007 Budget Act.

(b) It is the intent of the Legislature that the Department of Corrections and Rehabilitation use those savings to address implementation costs associated with the enactment of inmate and parolee population reduction policies.

(c) Notwithstanding any other provision of law, the Department of Corrections and Rehabilitation is authorized to use funds appropriated in Items 5225-001-0001, 5225-002-0001, and 5225-101-0001 of the Budget Act of 2007 (Chapter 171 of the Statutes of 2007) to support costs associated with the implementation of enacted inmate and parolee population reduction legislation. The department may not use more than fifteen million five hundred seventy-five thousand dollars (\$15,575,000) for this purpose.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to properly manage the inmate and parolee population of the state, it is necessary for this act to take effect immediately.

